IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.569 (MS) OF 2006

Chander,
S/o late Shri Nand Ram,
R/o H.N. 230 (New H. No.-262),
Mohalla- Pathanpura, Manglaur,
Pargana-Manglaur, Tehsil-Roorkee,
District- Haridwar. .....Petitioner.

Versus

1. Pyarra, S/o Shri Asha Ram,
   R/o H. No. 230 (New H.No. 262),
   Mohalla-Pathanpura, Manglaur,
   Pargana-Manglaur, Tehsil-Roorkee,
   District-Haridwar.
2. In-charge Presiding Officer,
   Civil Judge (J.D.), Roorkee,
   District-Haridwar. ...Respondents.

Dated: 17.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Rajendra Singh, Advocate for the petitioner and Standing Counsel for the respondent no.2. Both the parties have agreed that let the matter be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 2 to hear and dispose of the application 6C2 moved by the petitioner under

Order 39 Rule 1 and 2 read with Section –151 C.P.C. in Original Suit No. 92 of 2006 Chander Vs. Pyarra pendiong in the Regular Court of Civil Judge (J.D.), Roorkee expeditiously.

Briefly stated, the petitioner filed an Original Civil Suit No. 92 of 2006 Chander Vs. Pyarra in the Court of Civil Jude (J.D.), Roorkee, District-Haridwar for permanent injunction along with the application 6 C 2 supported by affidavit 7 C 2 under 39 Rule 1 and 2 read with Section 151 of C.P.C. for temporary injunction.

The petitioner has confined his prayer for disposal of the application 6 C 2 filed under Order 39 Rules 1 and 2 and Section 151 C.P.C.

The respondent no. 1 is directed to decide the application 6 C 2 filed under Order 39 Rules 1 and 2 and Section 151 of C.P.C. within a period of two months from the date of production of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

17.05.2006
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